IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 597/2000
BALDEV GURJAR Vs. STATE OF RAJASTHAN & ORS.

DATE: 06.02.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. S.K. Jain for the complainant petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Ravi Kasliwal for the accused-respondents.

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The instant criminal revision petition under Section 397 Cr.P.C. is directed against the judgment dated 19.08.2000 passed by the Judicial Magistrate First Class, No.4, Ajmer in Criminal Case No. 138/98, by which accused-respondent Ramchander has been found guilty for the offence under Section 325 and 323/34 IPC and accused-respondents Smt. Magni and Gopi @ Gopal have been found guilty for the offence under Section 325/34 and 323/34 IPC, but instead of sentence, they have been given the benefit of probation under Section 4 of the Probation of Offenders Act. The accused-respondents have also been directed to pay a fine of Rs. 300/- each totaling to Rs. 900/-, out of which Rs. 500/- ordered to have been paid to complainant-petitioner Baldev.

I have heard rival submissions of the respective parties and have also gone through the impugned judgment dated 19.08.2000 passed by the Court below and perused the relevant record.

So far as giving the benefit of probation under Section 4 of the Probation of offenders Act to the accused-respondents is concerned, looking to the offence committed by the accused under Sections 325, 325/34 and 323/34 IPC, I find no good reason to interfere with the impugned judgment, but as regards compensation of Rs. 500/- awarded to the petitioner, I deem it proper to enhance the same.

Therefore, the accused-respondents are directed to make the payment of Rs. 800/- each as compensation totaling to Rs. 2,400/-, out of which Rs. 2,000/- be paid to the complainant-petitioner after adjusting the amount already paid. If the accused-respondents have already make the payment of Rs. 900/- as ordered by the Court below, then they are required to make the payment of Rs. 1,500/- to the petitioner as compensation, failing which the accused-respondents will have to undergo one months' simple imprisonment in default of payment of compensation.

In view of the aforesaid observations, the impugned judgment dated 19.08.2000 passed by the Judicial Magistrate First Class, No.4, Ajmer is modified as indicated herein above and the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

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